

Appl. No. 10/541,330
Response Dated January 9, 2008
Reply to Office Action of October 9, 2007

•••REMARKS•••

The Office Action of October 9, 2007 has been thoroughly studied. Accordingly, the following remarks are believed to be sufficient to place the application into condition for allowance.

Claims 1-6, 8-10 and 15 stand rejected under 35 U.S.C. §112, first paragraph as failing to comply with the written description requirement.

Under this rejection the Examiner has taken the position that the recitation "nonionic surfactant comprising a condensation product of polyethylene oxide (n= 10-90) and octyl phenol" is not found in the original specification.

In response to this rejection applicants submit that the recitation of "n=10-19" was an inadvertent typographical or clerical error.

It is believed that under the provisions of 37 CFR §1.57 applicants are entitled to incorporate the limitations of "n=10-90" from WO 2004/067579 A1, inasmuch as priority is claimed to this application and the limitation of "n=10-90" was omitted from being entered in the present application.

37 CFR §1.57 specifically allows omitted subject matter to be added before the close of prosecution unless otherwise limited in time by the Office.

Claims 1-6, 8-10 and 15 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,387,292 to Saito in view of U.S. Patent Application Publication No. 2003/0114547 to Hara et al.

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On page 3 of the Office Action the Examiner has courteously reminded applicants that they are required to file an English translation of their priority document in order to gain the full benefit of the priority date filed.

Hara et al. has a publication date of June 19, 2003.

Applicants claim a priority date of January 28, 2003.

Applicants are filing under separate cover (via first class mail) a certified copy of their priority document and a verified English translation of their priority, thus perfecting their priority claim.

By perfecting their priority claim to January 28, 2003, applicants have removed Hara et al. as a prior art reference.

Accordingly, the prior art rejection based upon the combination of Saito in view of Hara et al. is deemed to have been overcome.

Therefore, reconsideration and withdrawal of the outstanding rejection of the claims and an early allowance of the claims is believed to be in order.

It is believed that the above represents a complete response to the Official Action and reconsideration is requested.

If upon consideration of the above, the Examiner should feel that there remain outstanding issues in the present application that could be resolved, the Examiner is invited to contact applicants' patent counsel at the telephone number given below to discuss such issues.

To the extent necessary, a petition for an extension of time under 37 CFR §1.136 is hereby made. Please charge the fees due in connection with the filing of this paper, including extension of

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time fees, to Deposit Account No. 12-2136 and please credit any excess fees to such deposit account.

Respectfully submitted,



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